

Application No. 09/061,441
Response dated December 15, 2003
Reply to Office Action of 08/13/2003

REMARKS

Applicant respectfully notes that the present application claims priority to provisional application No. 60/044,249 filed April 23, 1997. Applicant has reviewed the disclosure of the provisional application, and finds, for example, that FIGS. 8 and 9 of the provisional application are identical to FIGS. 8 and 9 of the present application (except for the additional reference numeral 290 in FIG. 8 of the provisional application), and that the description of FIGS. 8 and 9 in the provisional application is the same as the description in the present specification at page 15, line 28, through page 18, line 17. Claims 17-20 of the provisional application are the same as original claims 17-20 of the present specification.

As stated at MPEP 2136.03, 35 USC 102(e) is explicitly limited to references filed in the United States before the invention thereof by the applicant. Thus the Saitoh US Patent 6,360,089 is not available as a reference under 35 USC 102(e) or 35 USC 103(a), because the claimed Saitoh parent filing date in the United States of April 23, 1997 is not before the filing date of applicant's provisional application 60/044,249 filed 04/23/1997, and the Japanese priority application was not filed in the United States but in Japan.

By the present amendments, further claims 31 and 32 along the lines of the allowed claim 18, and further claim 33 and 34 along the lines of allowed claim 21, are presented, so that claims 18-24, and 31-34, are believed to be clearly allowable.

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The new claims 35-40 correspond to cancelled claims 25-30, and relate to the provision of plural signal receiving paths of different signal processing characteristics in a receiver diversity architecture wherein for a given incoming radio signal the first and second receiving paths are respectively selectable to provide respective different signal processing characteristics for the given incoming radio signal. The Saitoh patents 6,055,422 and 6,360,089, and the Rich patent 5,940,452 point the art away from the present claims, in teaching standard switched diversity systems utilizing receiving paths of the same signal processing characteristics.

Applicant, in reviewing the final Official Action of 05/03/2002, which acted upon cancelled claims 25-30, corresponding to new claims 35-40, finds that there may be a typographical error at Page 2, the last line. The location "col. 3, line 60 - col.4, line 55" seems to include the next location "col. 4, lines 10-49". Also Applicant cannot find in the locations of the references kindly identified for claim 25, any teaching of receiving circuitry with first and second signal receiving paths providing "respective different signal processing characteristics". Any diversity receiver would select different paths in space leading to the respective antennas, but this seems unrelated to the receiving circuitry having paths providing different signal processing characteristics. It appears that all the references relied upon clearly teach the use of receiving circuits with identical signal receiving paths providing identical signal processing characteristics.

GENERAL AUTHORIZATION UNDER 37 CFR 1.136(a)(3)

The Patent and Trademark Office is hereby authorized to treat this or any future reply, requiring a petition for an extension of time, as incorporating a petition for extension of time for the appropriate length of time.

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The Patent and Trademark Office is hereby authorized to charge fees under 37 CFR 1.17 to deposit account 14-1190.


Payment of Extra Claim Fees

The Patent and Trademark Office is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 to Deposit Account 14-1190 in accordance with the enclosed Fee Transmittal form. Should there be a deficiency in the Deposit Account so that, for example, the present charge for the additional claim fee is not covered by the balance in the Deposit Account, please charge such fees to the enclosed Credit Card Payment Form.

CONCLUSION

In view of the foregoing amendment, a Notice of Allowance is courteously solicited.

Respectfully submitted,


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Enclosures: (1) Petition for a One-Month Extension of Time Under 37 CFR 1.136(a)
(2) Credit Card Payment Form (For Use in Case of a Deficiency in the Deposit Account)